

**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: November 10, 2005

TIME: 9:00 A.M.

BOARD MEMBERS

PRESENT: Barry Kelton, D.C., Chair
Michael Massey, D.C.
Andrea Selby, D.C.
Debe Williams, D.C.
Craig Ratcliff, D.C.
Sheila Fitzgerald, Citizen Member

BOARD MEMBERS

ABSENT: Linda Kindrick, Citizen Member

STAFF PRESENT:

Sherry Owens, Board Administrator
Bob Kraemer, Advisory Attorney
Robbie Bell, Director
Jerry Kosten, Rules Coordinator
Barbara Maxwell, Administrative Director
Stacy Lannan, Licensing Technician

Dr. Kelton, chair, called the meeting to order at 9:00 a.m. A sufficient number of board members were present to constitute a quorum.

Review Minutes

Upon review of the August 30, 2005 board meeting minutes, Dr. Williams made a motion, seconded by Dr. Selby, to approve the minutes as written. The motion carried.

Kevin Wright, Tennessee Technology Access Project

Mr. Wright introduced himself to the board stating he is the Executive Director of Tennessee Technology Access Project (TTAP) which provides disable Tennesseans with comprehensive information related to assistive technology. Mr. Wright said TTAP's mission is to maintain a statewide program of technology-related assistance that is timely, comprehensive and consumer driven to ensure that all disable Tennesseans have the information, services and devices they need to make choices about where and how to spend their time as independently as possible.

Investigative Report

Ms. Phelps reviewed the Investigative Report stating of the fifteen (15) complaints received year to date, eight (8) were closed with no action, two (2) with letters of warning, three (3) with letters of concern, and two (2) referred to the Office of General Counsel.

Disciplinary Report

Ms. Phelps reviewed the Disciplinary Report stating there are six (6) practitioners currently being monitored. Ms. Phelps said following the report is a history of Chiropractors who have been disciplined by the board.

Conflict of Interest Policy

Mr. Kraemer reviewed the Conflict of Interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Mr. Kraemer stated that if a board member has a conflict of interest they must recuse him/herself from the proceedings and leave the hearing room during the hearing.

Jerry Kosten, Rules Coordinator

Mr. Kosten stated a rulemaking hearing was conducted on October 18, 2005 regarding clinical acupuncture certification and fee. Mr. Kosten said he received correspondence from Beth S. Barnett, D.C., Charles White Jr., M.D., Michael Zanolloi, M.D., Yarnell Beatty, Director, Legal and Government Affairs, Judi Harrick, RN, Lac, Ph.D., and Dr. Michael R. McCoy opposing the promulgation of proposed Rule 0260-2-.02.

Dr. Barnett addressed the board requesting they adopt this as their mission statement and present it to the Attorney General.

Dr. Williams made a motion, seconded by Dr. Selby, to adopt Rule 0260-2-.02 regarding acupuncture as written. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

The board discussed authorizing a rulemaking hearing regarding chiropractic patient records and continuing education subject limitations.

Upon discussion of the patient and financial records and continuing education in the rules, Dr. Williams made a motion, seconded by Dr. Massey, to authorize a rulemaking hearing regarding patient records and continuing education. The motion carried.

Mr. Kosten stated a rulemaking hearing was conducted October 18, 2005 regarding an amendment to the LLC and PC rules, reconsiderations and stays for disciplinary hearings.

Dr. Williams made a motion, seconded by Dr. Selby to adopt the rule as written. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

Office of General Counsel Report

Mr. Kraemer said the continuing education and x-ray rule amendments were sent to the Attorney General February 2, 2005 where they remain.

Mr. Kraemer said the voluntary licensure, advisory rulings and fee rules become effective on December 24, 2005.

Mr. Kraemer said the criminal background checks and acupuncture fee rule amendments were sent to the Attorney General February 25, 2005 where they remain.

Mr. Kraemer stated the Office of General Counsel has three (3) open disciplinary cases pertaining to the board of Chiropractic Examiners.

Financial Report

Ms. Owens reviewed the financial report stating there is a cumulative carryover from June 30, 2005 of \$60,766.27.

Administrative Report

Ms. Owens reviewed the administrative report stating there are 901 active chiropractors, 449 retired and 341 failed to renew, 91 active chiropractic x-ray technicians, 42 retired and 366 failed to renew, 345 active chiropractic therapy assistants, 31 retired and 144 failed to renew. Ms. Owens gave a month to month total of newly licensed, retired and failed to renew chiropractic examiners, chiropractic x-ray technicians and chiropractic therapy assistants.

Ms. Owens stated between August 20, 2005 and October 31, 2005, 18 chiropractic examiners, 1 chiropractic x-ray technician and 3 chiropractic therapy assistants renewed their licenses online.

Ms. Owens reminded the board that all travel must be submitted 120 days in advance for possible approval.

Approval of Continuing Education Courses

Upon review of the continuing education courses submitted to the board for approval, Dr. Williams made a motion, seconded by Dr. Selby, to accept the following courses:

King bio

Dr. Frank J. King Jr.

The Crest Center and Pavilion
Asheville, NC
October 22-23, 2005 and December 10-11, 2005
12 hours course

Logan College of Chiropractic
Rehabilitation Principles
Laney Nelson, D.C.
October 15-16
12 hour course

Texas Chiropractic College
Karl Parker
24 hour course

Missouri License Renewal Seminars

Chiropractic Rehabilitation I
Nashville, TN
December 3-4, 2005

The motion carried.

File Review

Upon review of the file for **Patrick Kelly**, Dr. Williams made a motion, seconded by Dr. Selby, to approve the application as a chiropractic physician for Mr. Kelly. The motion carried.

Upon discussion of a peer assistance program, Ms. Owens said she would put it in the agenda for next meeting.

Ratify Newly Licensed/Reinstatments

Dr. Ratcliff recused himself from the discussion/vote.

Dr. Selby made a motion, seconded by Dr. Williams, to ratify the following newly licensed and reinstated chiropractic physicians and chiropractic therapy assistants:

Newly Licensed

Chiropractic Physicians

Beth Ann Adams-Spencer
Bryan S. Aldrich
Eric D. Bryant

Nikolas R. Chillies
Christopher P. Dohnal
Ila L. Foster
Mia Frails
Amanda Jerviss
Jeremy L. Jessop
Jerry F. Steckler III
Craig E. Tankersly
Sandra J. Tankersly
Jason S. Ward
Roger L. Ward
Aaron L. Workman
Andrew D. Yates

Chiropractic Therapy Assistants

Amanda J. Bailey
Maranda Bosheurs
Frances D. Center
Tiffany Cook
Jessica G. Cooper
Stacy R. Darby
Christina L. Davis
Amanda Shemwell Donahoe
Dawn L. Kleiser
Angelia F. Knight
Suzan A. Otterman
Elizabeth A. Parrish

Reinstatements

Chiropractic Physician

James T. Chumley
Rebecca Doss
Robert Mabry
Stuart William Selberg DcJackson
Paul Durham Weeks

Chiropractic Therapy Assistants

Brenda Gail Grant
Starlet Dawn Kilgore
Matthew Wade Sunshine

The motion carried.

Policy Statement

Upon review of the new policy statement stating a Chiropractor may perform Department of Transportation physicals and school sports physicals to the extent allowed by the Scope of Practice of Chiropractors, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to accept the policy statement as written. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

Election of Officers

Dr. Williams made a motion, seconded by Ms. Fitzgerald, to elect Dr. Selby as chair. The motion carried.

Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to elect Dr. Massey as vice chair. The motion carried.

Dr. Kelton made a motion, seconded by Dr. Williams, to elect Dr. Ratcliff as secretary. The motion carried.

With no other board business to conduct, Dr. Selby made a motion, seconded by Dr. Williams, to adjourn the meeting at 11:06 a.m.

Ratified by the Board of Chiropractic Examiners on February 28, 2006